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Atty Dkt. No. 852.105
PATENT

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In Re Application of:

PIZZA et al.

Serial No.: 09/528,682

Art Unit: 1654

Filing Date: March 20, 2000

Examiner: M. Borin

Title: IMMUNOGENIC DETOXIFIED MUTANT *E. COLI* LT-A TOXIN

RESPONSE TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Restriction Requirement dated June 29, 2001 (Paper No. 6). Submitted herewith is a petition for a two-month extension of time and appropriate fee, making a response due on or before September 29, 2001. Accordingly, this response is timely filed.

The Examiner has required election of one of the following groups of claims:

Group I: Claims 1-13 drawn to polynucleotides, their fragments, expression vectors and cells comprising the vector; and

Group II. Claims 27-29, drawn to methods of producing recombinant proteins.

Applicants hereby elect to prosecute the claims of Group I, claims 7-26, **with traverse**. During a telephone conference on August 8, 2001, Examiner Borin clarified that Group I includes claims 7-26, rather than claims 1-13 as stated in the Restriction Requirement mailed June 29, 2001.

In support of the restriction requirement, the Examiner asserts that the claims of each group are patentably distinct. However, Applicants note that claims 27-29 (Group II) all depend from claims in Group I and, indeed, all make use of the polynucleotides, vectors and host cells of Group I. Thus, a search of the art for the claims of Group I would necessarily reveal art relevant to Group II. Accordingly, they should be examined together and it would not constitute an undue burden for the Examiner to do so. In fact, examination of these allegedly distinct inventions in one application would not only not place an undue burden on the Examiner, but would actually save the Examiner time.

Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

In view of the foregoing, Applicants submit that the restriction requirement should be withdrawn.

Please direct all further communications regarding this application to:

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Respectfully submitted,

Date: Sept 7, 2001

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